

LLAP Draft Guidelines Public Comment Response

1. Credit (payment for pre-grant work):

(a) Greg Barry – Mead & Hunt, Inc

In Section 2.07: We recommend extending the eligibility time frame of eligible costs/fees to 12 months preceding the release of the PSP. We feel that a levee/flood control structure can be a very large project that requires significant upfront planning & study phases that could take up to a year to complete before concise recommendations/plans are developed.

(b) Moses Tsang – Alameda County FCD

The previous LLAP guidelines dated April 2008 and the subsequent awarding of grant funding agreements signed in 2009 did not appreciably reward or provide incentives to the local flood control agencies actively pursuing local levee investigations and repairs in advance of DWR developing the LLAP draft guidelines and Proposal Solicitation Package (PSP). In short, a greater period for accruing credit for work (that would otherwise be eligible for reimbursement) is needed for the District and others to fully utilize the LLAP for both the LOLE and the LLCR strategies. Other similar and current FloodSAFE grant programs and Integrated Regional Water Management Plan (IRWMP) funding programs allow retroactivity or funding credits back to dates as early as September 30, 2008. The District has a number of projects that are eligible and may be considered very competitive for participating in both the LOLE and LLCR strategies, but a number of its projects are in various investigative, engineering design and permitting stages, dating back to January of 2010. The District has embarked on a number of LOLE and LLCR projects that are in various stages of investigations and designs. Is it possible to increase the retroactive credit period back to include the 2010 calendar year and/or whenever significant contracts were executed, which ever occurred earlier, for: (a) eligible LOLE projects that include assessing geotechnical and hydraulic/hydrological levee conditions; and (b) for eligible LLCR projects that include detailed levee designs, environmental documents, construction contracts and completed construction elements?

(c) Norma Camacho – Ventura County WPD

The previous LLAP guidelines dated April 2008 and the subsequent awarding of grant funding agreements signed in 2009 did not appreciably reward or provide incentives to the local flood control agencies actively pursuing local levee investigations and repairs in advance of DWR developing the LLAP draft guidelines and Proposal Solicitation Package (PSP). In short, a greater period for accruing credit for work (that would otherwise be eligible for reimbursement) is needed for the District and others to fully utilize the LLAP for both the LOLE and the LLCR strategies. Other similar and current FloodSAFE grant programs and Integrated Regional Water Management Plan (IRWMP) funding programs allow retroactivity or funding credits back to dates as early as September 30, 2008. The District has a number of projects that are eligible and may be considered very competitive for participating in both the LOLE and LLCR strategies, but a number of its projects are in various investigative, engineering design and permitting

stages dating back to January of 2010. Is it possible to increase the retroactive credit period back to include the 2010 calendar year and/or whenever significant contracts were executed, which ever occurred earlier, for: (a) eligible LOLE projects that include assessing geotechnical and hydraulic/hydrological levee conditions; and (b) for eligible LLCR projects that include detailed levee designs, environmental documents, construction contracts and completed construction elements?

(d) Amir Alam – LA County DPW

The Guidelines indicate the purpose of the Local Levee Evaluation funding is for the evaluations needed for accreditation by FEMA. It also indicates preference will be given to local levees at risk of losing FEMA accreditation since August 2005. However, numerous agencies have already expended considerable funds to conduct the needed evaluations. These Guidelines should be revised to qualify analysis work conducted after August 2005 in an effort to obtain FEMA accreditation. They should also allow for the reimbursement for the preparation of environmental documents for repair and improvement projects, conducted prior to grant award.

(e) Karen Sullivan - Santa Barbara County FCD

Section 2.07 What are the criteria for credit or reimbursement and will credit for work done prior to the execution of a funding agreement be allowed? (pg. 13)

Construction expenditures incurred prior to the proposal due date or grant approval should also be creditable. For example, the Bradley Canyon Levee Revetment Project (for which we are applying) is the final and fourth phase in a contiguous levee revetment project for the Santa Maria River. Two construction phases are complete, and the third phase is being constructed at this time. It constitutes "one project" in that one completed phase in itself does not provided the needed protection for the whole community.

(f) Kristi McKenney – Port of Oakland

The Port recommends that funding be retroactive to the time of bond authorization (2006) or the closing of the prior submissions (2008) for eligible Local Levee Evaluations (LOLE) and LLCRs.

Response to Comments 1(a), 1(b), 1(c), 1(d), 1(e), and 1(f)

Retroactive reimbursement will be extended to [March 23, 2008], which is the date the previous Proposal Solicitation Package was due. It was decided not to extend the date back to that of the passing of the statute (September 2006) as projects between this date and the previous proposal solicitation package had the opportunity to apply during the first program solicitation.

New restrictions will be provided to allow for credit for construction projects which begin before obtaining a formal grant award from the State to model the EIP program. Construction projects falling in this category will be funded pre-grant credit only if a letter informing DWR of the construction action is submitted and DWR provides a pre-approval letter to the agency. Preference will be given to projects which fulfill this requirement; however, projects which apply and did not obtain a pre-approval letter from the State may be evaluated on a case by case basis if funding allows.

Response to Comment 1(d)

Your comment has been accepted and environmental compliance costs will be eligible for retroactive reimbursement for both the LOLE strategy and the LLCR strategy.

2. “Alternatives Analysis” as Eligible Work:**(a) Moses Tsang – Alameda County FCD**

The entire LLAP program and its two strategies are heavily based upon repairing and certifying existing levee systems in-place, with particular emphasis on those levees that have lost or are about to lose their FEMA accreditation. Consistent with pursuing environmental stewardship it may be advisable for some local jurisdictions to decommission some existing levee systems and replace them with new alternative local systems that may include new setback levees and/or levee systems that create environmental restoration opportunities. The District would like to see the LOLE strategy develop provisions for evaluating alternatives to repairing levees in place, and to include reimbursement for geotechnical investigations and supporting analyses for potential alternative levee routings that may collectively result in lower certification costs and provide enhanced opportunities for environmental restoration and stewardship. A possible solution may be to allow for alternative alignment engineering analyses, but at a smaller state-cost-sharing percentage. This would allow local agencies an improved opportunity (versus none with the current set of LOLE strategy) to evaluate decommissioning and/or rerouting of existing levee systems that may be in disrepair.

(b) Norma Camacho – Ventura County DPW

The LOLE strategy specifically includes funding of local hydrologic/hydraulic investigations as well as geotechnical investigations, particularly if the investigations are required but not currently available in connection with the locals securing and/or maintaining FEMA accreditation. However, in addition to performing the geotechnical and hydraulic investigations of local levee systems, the local levee entities, such as the District, will need to conduct a formal Problem Identification Report (PIR), an alternatives analysis to identify repair solutions, and conduct 30% design-level plans to identify all repairs and develop formal cost estimates for securing and/or maintaining FEMA accreditation. More times than not, the repairs will need to go beyond visible damages and will need to include other repairs and additional engineering support. The LOLE strategy (Section 1.4 paragraphs 2 and 3, on the bottom of page 3 and top of page 4) are specific to funding priorities for the hydrologic/hydraulic studies and the geotechnical evaluations required for FEMA accreditation, but the guidelines, inclusive of the weighting factors and competitive criteria included in Appendix S, are not specific to the other deficiencies that may need to be addressed for FEMA accreditation. The District suggests that a clearer and more expanded scope of eligible work be included

within the LOLE strategy, and suggests that all work associated with advancing Problem Identification Reports (PIRs) alternative analyses and engineering designs analysis be included up to the 30% design level of project Plans, Specifications and Estimates (PSE's) that are the necessary initial steps in securing FEMA accreditation and/or filing a FEMA Conditional Letter of Map Revision (CLOMR).

Response to Comment 2(a)

The LOLE strategy's eligible work will be expanded to allow for Feasibility Studies. These studies may include problem identification and alternatives analysis. The Program will allow funding to Projects providing improvement beyond FEMA requirements. This would include decommissioning and construction of new levees which go beyond FEMA accreditation.

The intent of this program is to assist local agencies in meeting FEMA requirements for accreditation. Improvements will be funded if they repair or improve the levee to the level necessary to obtain FEMA accreditation, regardless of the original design level. Such repairs or improvements may exceed minimum FEMA requirements. The program will be broadened to include improvements for freeboard deficiencies and substandard encroachment

Response to Comment 2(b)

Design will not be eligible under the LOLE strategy as the LLCR strategy allows grant funding for Design projects. It is the intent of the program to fund these types of projects separately. After problems are identified using the LOLE strategy, agencies will need to re-apply for a Design grant through the LLCR strategy to ensure the competitive selection process is utilized. It is also a fundamental intent of the program to give preference to fully designed projects which are shovel-ready. The program has been expanded to provide an opportunity for projects to receive grant assistance with design costs. The current weighting criterion which gives preference to shovel ready projects will remain.

3. Compliance Work for Agencies other than FEMA

(a) Amir Alam – LA County DPW

The Local Levee Critical Repair funding is currently limited to erosion-damaged levees and levees with unstable slopes. These Guidelines should be modified to indicate they would apply for repair work required to comply with other State and Federal agency requirements.

Response to Comment 3(a)

The sentence stating that LLCR funding is limited to erosion-damaged levees and levees with unstable slopes will be updated to state that funding may include these levees but is not limited to these types of improvement. Specifically, language will be added to allow work for freeboard deficiencies and substandard encroachment.

However, the guidelines will not be specifically modified to fund repair work to comply with other State and Federal agencies. The guidelines will be modified to state that preference will be given to levee improvements for meeting FEMA requirements.

4. LLCR Ranking Criteria and Eligible Work

(a) Amir Alam – LA County DPW

These Guidelines should also qualify improvement projects to levees to address needed capacity in order to obtain FEMA accreditation. As indicated in these Guidelines, the California Public Resources Code, Section 75032 (b) indicates first improvement as an objective for these available funds, followed by construction, modification, and relocation of flood control levees, weirs, or bypasses including repair of critical bank and levee erosion.

(b) Norma Camacho – Ventura County DPW

The LLCR strategy guidelines (Section 1.03 paragraphs 2 and 4 on page 2) suggest that there will be a continuation of funding available for the design and repair of damaged local levees, with an apparent focus of repairing levees that may be experiencing or be limited to erosion or instability issues. The weighting factors and competitive criterion for LLCR Funding noted in Appendix A also suggest that the LLCR would be focusing on damaged levee systems. However, funds should also be made available for repairing local levees that may be deficient in meeting the FEMA accreditation criteria, which may go beyond erosion and stability concerns. These other structural inadequacies, consistent with the LOLE strategy and FEMA accreditation, may possibly include repairs to correct freeboard deficiencies and substandard encroachments. To include additional remediation components within the LLCR strategy to secure or restore FEMA accreditation, the weighting factors in Appendix A may need to be adjusted along with adding specific language to Section 1.03 and on Page 9 of Section 2.04.

(c) Norma Camacho – Ventura County DPW

The LLCR strategy (Sections 1.03, 2.04 and Appendix A) does not particularly describe the readiness and competitive criterion for implementation that may range from early (30%) design stages to shovel-ready projects. Table A-2 Competitive Criteria No.8 suggests that higher scoring will be awarded to those projects that are shovel-ready and have designs already approved by DWR. However, it is unclear at what project stage (post 30% PSEs? through final 100% designs and permitting) will local costs become eligible to participate in the LLCR strategy. Perhaps a more detailed competitive grading scale for readiness may assist local sponsors in evaluating the competitiveness of projects that may be in the early design and permitting stages in comparison to those projects that are shovel-ready.

(d) Santa Margarita Water District

Eligible work should cover new detention Basins.

(e) Karen Sullivan - Santa Barbara County DPW

Section 1.03 What is the LLCR strategy? (pg. 2); Table A-1 Ranking Criteria for LLCR Funding (pg. 44); Section 3.05 What is the process for setting project or evaluation priority? (pg. 29)

As with the LLOE strategy, preference should be given to LLCR applications with Local levees at risk of losing or have lost FEMA accreditation since August 2005 due to the implementation of Procedure Memoranda 34 and 43.

Response to Comment 4(a), (b)

The intent of this program is to assist local agencies in meeting FEMA requirements for accreditation. Improvements will be funded if they repair or improve the levee to the level necessary to obtain FEMA accreditation, regardless of the original design level. Such repairs or improvements may exceed minimum FEMA requirements. The program will be broadened to include improvements for freeboard deficiencies and substandard encroachments.

Response to Comment 4(c)

It is the intent of the program to give preference to shovel ready projects. No additional ranking criterion will be added that may contradict this fundamental intent.

Response to Comment 4(d)

See response to comment 8(a) and 8(b).

Response to Comment 4(e)

An LLCR ranking criterion will be added to give preference to LLCR projects with levees at risk of losing or that have lost FEMA accreditation.

5. LOLE Ranking Criteria and Eligible Work

(a) Amir Alam – LA County DPW

The Guidelines indicate preference will be given to levees at risk of losing FEMA accreditation or which have lost accreditation for the Local Levee Evaluation funding. The Guidelines should also consider the number of structures, residents, and economic impact due to the designation of the areas behind the levees as a Special Flood Hazard Area, for the award of funds.

(b) Kristi McKenney – Port of Oakland

The Port recommends that, for levees protecting critical infrastructure such as airports, the definition of critical damage and criteria for Local Levee Critical Repair (LLCR) funding eligibility be broadened to include risk of failure in a 100-year flood or a 1,000-year seismic event.

Response to Comment 5(a)

In order for preference to be given to communities based on the number of structures, residents, and economic impact due to the designation of the areas

behind the levees as a Special Flood Hazard Area, the guidelines must require additional information and reports to be produced and submitted with applications. The increase to application costs out ways the benefit this would provide to the program. Therefore, no LOLE preference will be given based on flood zone or economic impact.

Response to Comment 5(b)

The intent of this program is to assist local agencies in meeting FEMA requirements for accreditation. Improvements will be funded if they repair or improve the levee to the level necessary to obtain FEMA accreditation, regardless of the original design level. Such repairs or improvements may exceed minimum FEMA requirements. The program will be broadened to include improvements for freeboard deficiencies and substandard encroachments.

Improvements exclusively for seismic events will not be funded as seismic improvements are not listed in Public Resources Code Division 43, Chapter 3, Section 75032. No ranking criteria will be added for critical infrastructure.

6. Acceptability Criteria

(a) Amir Alam – LA County DPW

The Guidelines indicate the Department of Water Resources will acknowledge complete applications from eligible applicants. The Guidelines should be modified to allow applicants to submit additional required information within a short timeframe, such as 15 days, instead of being disqualified.

Response to Comment 6(a)

The guidelines will be updated as follows. The application review period will be broken into two parts: technical review and ranking review. During the technical review of applications, the applicant may be contacted by the reviewer for completion, clarification, review of technical analyses, and supplementation of supporting documentation. During the project ranking review, it is inappropriate for reviewers and agency representatives to discuss applications or exchange information. This policy is intended to insure a fair and legal ranking process for all projects and conforms to guidelines for similar FloodSAFE grant programs.

7. Feasibility Studies

(a) Amir Alam – LA County DPW

The Guidelines should clarify a feasibility study is optional, as they can be very costly to prepare.

Response to Comment 7(a)

The guidelines will be broadened to provide funding for feasibility studies. The term “feasibility study” will be changed to alternatives analysis throughout the

document as appropriate so that a complete feasibility study is not required for other types of LLCR projects.

8. Terms and Definitions

(a) Greg Barry – Mead & Hunt, Inc

In paragraph 4 under Section 1.03, we suggest replacing “local levee” with “local levee, floodwall, berm or similar structure”. Similar change is suggested for paragraph 2 of Section 1.02, and other places in the Guidelines where reference is made to the type of eligible structures.

(b) Rahul Ranade – Mead & Hunt, Inc

I have a question regarding the LLAP on behalf of a local agency (City of St Helena) who we are assisting with flood control work: Is the funding eligibility strictly restricted to levees, or will DWR also consider repairs to some portions of floodwalls, if such floodwalls are part of an overall flood protection system that includes levees?

(c) Steve Mahnke – DWR LEP

One comment that I have is that every time the word seepage is used, consider changing it to through seepage as that is what you mean as stated in the definition. Also, when the whole suite of geotechnical risk factors is discussed, settlement is not included but should be. I added the logging manual and gINT database and library as requirements. Not sure how you want to handle contacting DWR if a local needs these items.

(d) Karen Sullivan - Santa Barbara County FCD

Damage: It seems additional conditions should be added to the definition of "Critical" state of levee disrepair (unless the following suggestions are already covered under the “active levee instability” condition): "Active levee instability is not evident but due to past documented damage and failures a levee is likely to fail during the next flood season or single high water event."

"An USACE engineering analysis demonstrates that due to deficiency in the original design, without the recommended corrective action a future levee breach failure is a near certainty."

(e) Dan Fua – DWR Flood Projects Improvement Branch - CVFPB

Definitions

The draft guidelines shows the definition for the State Plan of Flood Control for the Central Valley, p. x which states "The levees, weirs, channels, and other features of the federally and State-authorized flood control facilities located in the Sacramento River and San Joaquin River drainage basin for which the Central Valley Flood Protection Board or the Department has given the assurances of nonfederal cooperation to the United States required for the project, and those facilities identified in Section 8361 of the Water Code." The definition should inform applicants that projects within the Board's jurisdiction would require Board approval of an encroachment permit. Prior to funding eligible projects within the Board's jurisdiction, the grant applicant should be required to provide a copy of a completed Board encroachment permit application that was

submitted to the Board or letter of intent that an application will be submitted and approved by the Board prior to starting construction. Include a hyperlink to the Board's website <http://www.cvfpb.ca.gov/index.cfm> that will provide information on whether an encroachment permit would be required.

(f) Dan Fua – DWR Flood Projects Improvement Branch - CVFPB

Design Work -According to p. 9, "Design work may be funded separately under the LLCR of the LLAP, but must be part of a comprehensive plan to design and construct the necessary improvements of a damaged levee." Design work eligible for funding should also include vegetation planting plans, detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131).

(g) Dan Fua – DWR Flood Projects Improvement Branch - CVFPB

Maintenance Plan -According to p. 15 "For a construction project, the sponsor must provide a maintenance plan satisfactory to the Department. .. " A vegetation maintenance plan and funding for the related maintenance should be required for projects that include the planting of vegetation within the Board's jurisdiction or adopted plan of flood control.

(h) Dan Fua – DWR Flood Projects Improvement Branch - CVFPB

Woody vegetation growth that is not managed would have a negative impact on channel capacity and increase the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial conditions becomes more difficult and control of vegetative growth may be subject to environmental constraints. In these cases, it is important to develop maintenance practices that allow controlled growth of desirable habitat without unduly compromising channel capacity. The hydraulic impacts resulting from eligible projects may be potentially significant as the measures to control woody vegetation and trees have not been required in the draft guidelines and should be revised to address this matter. In accordance with CCR Section 131 Vegetation (c) "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures." Maintaining the channel and floodway is required to prevent the reduction of flowage capacity. Mitigation measures should be required for each grant application and funding should provide for the necessary removal of woody vegetation and trees in perpetuity. If the Board finds evidence that woody vegetation is interfering with the successful execution, functioning, maintenance, or operation of the adopted plan of flood control, then the grantee will be required to remove the woody vegetation specified for removal on the project site in accordance with CCR Section 131. In the event that this request is not complied with, the Board shall have the right to restore the site to baseline project design at the expense of the grantee. Eligible projects within the Board's jurisdiction should be required to include in the project's budget the necessary funding to pay for long term project maintenance

costs to prevent sediment accumulation and woody vegetation having a negative impact on channel capacity.

(i) Dan Fua – DWR Flood Projects Improvement Branch - CVFPB

Easements -The grant applicants with projects considered for funding located within the Board's easements should be required to show proof that an encroachment permit application has been submitted to the Board. The draft document should clarify that the funded projects are subordinate to the Board's flood flowage easements and the operations of the flood control project.

(j) Dan Fua – DWR Flood Projects Improvement Branch - CVFPB

Open Space -According to the draft guidelines p. ix "Any parcel or area of land or water that is essentially unimproved and restricted to an open-space use consistent with the uses set forth in California Government Code Section 65560." The open space definition should clarify that for projects within the Board's flood flowage easements or lands owned in fee by the Sacramento and San Joaquin Drainage District, applicants must be in compliance with Title 23, California Code of Regulations Section 19 District Lands which states "No encroachment may be constructed or maintained upon lands owned in fee by the Sacramento and San Joaquin Drainage District, except when expressly permitted by a proper and revocable license, lease, easement, or agreement executed between the owner of the encroachment and the district, and upon payment to the district of its expenses and adequate rental or compensation there for."

Response to Comment 8(a) and 8(b)

The Guidelines will be updated to include structures other than local levees. These structures will include structures that reduce flood risk and may include but are not limited to floodwalls or any structures to address freeboard deficiencies, berms, and detention basins.

Response to Comment 8(c)

The current definition of "seepage" will be expanded to include not only *through seepage*, but *under seepage* as well. The document text will continue to use the word seepage throughout. Information on the gINT database will not be added to the document as this is a statewide program and the database only applies to areas within the Central Valley. It is not necessary to include this information as many projects will not fall within this area and those that do can be provided with information on a case-by-case basis.

Response to Comment 8(d)

The current definition of "Critical" is based on a department standard definition and cannot be altered.

Response to Comment 8(e)

The definition of the State Plan of Flood Control was not updated. LLAP has decided that the suggested information will be better incorporated as section 5.07 titled, "What are the requirements for a project which lies within the jurisdiction

of the CVFPB". In this section applicants are informed that projects within the Board's jurisdiction would require Board approval of an encroachment permit. The section states that prior to funding eligible projects within the Board's jurisdiction, the grant applicant should be required to provide a copy of a completed Board encroachment permit application that was submitted to the Board or letter of intent that an application will be submitted and approved by the Board prior to starting construction. The section also includes a hyperlink to the Board's website <http://www.cvfpb.ca.gov/index.cfm> that will provide information on whether an encroachment permit would be required.

Response to Comment 8(f)

This comment has been accepted and section 2.04 of the Guidelines has been updated to required all design projects to produce vegetation planting plans, detailed vegetation design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131).

Response to Comment 8(g)

This comment has been accepted. In section 5.07 the guidelines require that projects under CVFPB jurisdiction provide a vegetation maintenance plan and funding plan for the related maintenance.

Response to Comment 8(h)

This comment is accepted and requested text has been incorporated in sections 2.04 and 5.07.

Response to Comment 8(i)

This comment is accepted and the requested text has been added in section 5.07.

Response to Comment 8(j)

This comment is accepted and the requested text has been added in section 5.07.

9. Federal Funding

(a) Karen Sullivan - Santa Barbara County FCD

APPENDIX C: Although this section does not state whether Federal Funds are/ are not allowed as part of the local share, it seems as if they typically are allowed for State grants. May want to clarify this, and whether Federal funds can be applied to the minimum 10 percent local cost share.

Response to Comment 9(a)

There is no statement in the Guidelines which precludes or prohibits federal

funds being used as part of the local share. State funds, however, cannot be used as the local cost share unless approved by the State program providing the funds. The following statement will be added to the guidelines, "The State must secure the maximum feasible amounts of federal and local matching funds to fund disaster preparedness and flood prevention projects in order to ensure prudent and cost-effective use of funds. Applicants may not use State funds for the local portion of the cost-share unless such money has been specifically provided by the State legislature."

10. New Section for Levees within the CVFPB Jurisdiction:

(a) Dan Fua – DWR Flood Projects Improvement Branch

Development projects within the jurisdiction of the Board are required to meet standards for the construction, maintenance, and protection of adopted plans of flood control that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated flood ways (Title 23 California Code of Regulations (CCR), Section 2).

(b) Dan Fua – DWR Flood Projects Improvement Branch

A Board permit is required prior to starting the work within the Board's jurisdiction for the following: The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6); Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6). The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/contactyourlocal.federalandstateagencies> as other permits may apply.

Response to Comment 10(a)

This comment is accepted and the requested text has been added in section 5.07.

Response to Comment 10(b)

This comment is accepted and the requested text has been added in section 5.07.